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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) CASE NO. 21-CR-402 RS  
14 Plaintiff, )  
15 v. ) **STIPULATION TO EXCLUDE TIME FROM  
16 HARLAN KELLY, ) NOVEMBER 3, 2022 TO JANUARY 17,  
17 Defendant. ) 2023; AND ORDER**  
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20 On November 3, 2022, the Court denied defendant Harlan Kelly's motion to dismiss. *See Dkt.*  
21 *191* (Filed Under Seal). A status date to set further proceedings on the case has not been set. The  
22 parties have met and conferred, and the defendant continues to review discovery. The parties therefore  
23 stipulate and request that the Court set a status hearing for January 17, 2023 at 9:30 a.m. for trial setting  
24 or setting a date for change of plea.

25 The parties further stipulate and ask the Court to exclude time from November 3, 2022 through  
26 January 17, 2023 under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv). The government and  
27 counsel for the defendants agree that time be excluded under the Speedy Trial Act so that defense  
28 counsel can continue to prepare, including by reviewing discovery produced by the government. For  
STIPULATION AND ORDER No. 21-  
CR-402 RS

1 this reason, the parties stipulate and agree that excluding time until January 17, 2023 will allow for the  
2 effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and  
3 agree that the ends of justice served by excluding the time from November 3, 2022 through January 17,  
4 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and the  
5 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

6 The undersigned Assistant United States Attorney certifies that he has obtained approval from  
7 counsel for the defendant to file this stipulation and proposed order.

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9 IT IS SO STIPULATED.

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DATED: December 14, 2022

/s/ David J. Ward  
DAVID J. WARD  
Assistant United States Attorney

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DATED: December 14, 2022

/s/ w/ permission  
BRIAN GETZ  
JONATHAN BAUM  
Attorneys for Defendant Harlan Kelly

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## ORDER

Based upon the facts set forth in the stipulation of the parties, and for good cause shown, the Court hereby finds that failing to exclude the time from November 3, 2022 through January 17, 2023 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from November 3, 2022 to January 17, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from November 3, 2022 to January 17, 2023 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

Further, IT IS HEREBY ORDERED that the parties appear before the Court on January 17, 2023 at 9:30 a.m. for a status hearing for setting of a change of plea or trial date.

IT IS SO ORDERED.

DATED: December 14, 2022

  
HON. RICHARD SEEBORG  
United States Chief District Judge